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Written statement* submitted by the Pasumai Thaayagam Foundation, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[16 February 2015]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

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Sexual and Reproductive Rights violations of Tamil Women in the Island of Sri Lanka*

"The right to sexual and reproductive health implies that people are able to enjoy a mutually satisfying and safe relationship, free from coercion or violence and without fear of infection or pregnancy, and that they are able to regulate their fertility without adverse or dangerous consequences. It is based on twelve rights that are grounded in core international human rights instrument."1

Women in the North and East of the island of Sri Lanka have been uniquely targeted to all forms of violence and violations during and after the Sri Lankan armed conflict as an instrument of genocide. One such violation conducted by the Sri Lankan government is forced, cohesive or involuntary administration of birth control programme.2 This report is a documentation of primary and secondary data gathered about incidences that took place in the post - conflict setting.

1. Documentation of forced contraceptive programme across Tamil dominated region in the Island of Sri Lanka

Incident 1: Ministry of Health Kopay (Jaffna, Northern Province, Sri Lanka)

Tamil women were given involuntary contraceptive implants. Witnesses trying to prevent this were harassed by security forces and health officials. In some cases weapons and administrative powers were used as a form of intimidation.

Incident 2: Ministry of Health Poonakary (Kilinochchi, Northern Province, Sri Lanka)

On August 31, 2013 women from Veravil, Keranchi and Valipaddu of the Kilinochchi region were coerced into taking the sub-dermal contraceptive implant, Jadelle, by government health workers. (Kilinochchi is a Tamil region). The incident took place at Veravil government divisional hospital, Kilinochchi.

Women who attended this clinic were between 15 – 45 years of age and were asked to attend it under false pretence. The day before this incident took place, hospital staff and volunteers attached to Veravil divisional hospital informed these local Tamil women residing in the three villages that any women with a child under the age of five should come to the hospital the following day to attend a nutritional clinic.3 On arrival government health officials coerced Tamil women into accepting the contraceptive implant, and thereby violating women's right to make informed choice about her reproductive autonomy.

Incident 3: Ministry of Health Point Pedro (Northern Province)

A Tamil woman whose husband is living in abroad was forced to take the contraception implant Jadelle, which was inserted under the skin of her upper arm.

Incident 4: The death of Manjula Satheeshkumar

On the 28th November , 2013 a pregnant mother from Malaiyalapuram in Kilinochchi district died at Jaffna teaching hospital. She was 17 weeks pregnant at the time of her death. The deceased Mrs Satheeshkumar was twenty six years of age, and was married with a 2 year old boy. Mrs Satheeshkumar was one of the victims who were forcefully given the contraceptive implant Jadelle. After receiving the implant, Mrs Satheeshkumar was suffering from severe abdominal pain. Her husband, Mr R. Satheeshkumar decided to take her to the hospital in Kilinochchi. The hospital ran some tests and informed her that she was pregnant. Although her implant was removed, she died of a fatal infection as a direct result of this enforced contraception.

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[1] http://www.unfpa.org/sites/default/files/pub-pdf/Final_UNFPA-UPR-ASSESSMENT_270814..pdf
[2] http://apps.who.int/iris/bitstream/10665/112848/1/9789241507325_eng.pdf?ua=1
[3] Above the law – a report by TSA http://cl.ly/3q313m1H3524

Her father,Chinnasamy Rajaratnam, a key witness who questioned the authorities about the death of Manjula was subjected to repeated harassment by Sri Lankan military. He was eventually found dead on an electric wire. The locals believe that his death was linked to Manjula's death and his pursuit of truth and justice for his daughter's death.4

Incident 5: Forced sterilization of Tamil plantation workers in Central Sri Lanka

The Sri Lankan government has also systematically targeted Tamils living in Central Sri Lanka. There are about 800,000 Tamil plantation workers who are descendents of those who had migrated in 18-19th century from South India, during the British Colonial Era. According to the Home for Human Rights (HHR), more than 80 % of Tamil women in central Sri Lanka were offered a lump sum payment of usually 500 rupees to undergo surgical sterilization.5 Though this is seemingly a small amount of money, the sum is large for these extremely poor plantation workers. Since 1996, the population of this central Hill Tamil population has dropped annually by 5%, whereas the population of the country overall has grown by 14%. HHR said : ' This systematic pattern of authority-sanctioned coerced sterilizations may amount to an intentional destruction of the Tamil estate population.'6

Tamil women were given little or no information about post and pre-implant care.

Tamil women who were subject to receive the implant reported that they weren't given enough information about the implant or some didn't even know what was happening. These women weren't even given the chance to discuss this matter with their spouse. This has caused problems between couples. Women who refused treatment were told by the health workers that they will be refused further medical treatment at the hospital.

Anne Morse, Population Research Institute (PRI), remarked that, "Local health officials are belatedly trying to cover up their crimes. They are coercively and retroactively forcing already sterilized Tamil women to sign affidavits. Such affidavits should not convince anyone that these 'birth control experiments' are anything other than genocide. Far from convincing, false affidavits of consent instead add insult to injury by suggesting that the dead women voluntarily submitted themselves to the procedure."7

Overall comparison against national birth control rate

The end of Sri Lankan civil war in 2009 has undeniably sparked a new era of Sinhala Buddhist ethno-nationalism, giving much attention to Sinhala women who are viewed as 'biological producers of the nation'.8 Since Mahinda Rajapaska came to power in 2005, drastic measures have been taken to promote population growth within the Sinhala community, including closure of all abortion clinics, banning irreversible family planning methods and prohibiting non-governmental organisations from providing family planning services.

A group of Buddhist monks have devised a scheme to reward any Buddhist families with more than five children. The government also introduced a similar scheme in 2013, where police and army officers (99.9% Sinhalese) were incentivised to have a third child and were awarded 100,000 rupees from tax payers' money. This contrasting birth control approach between Tamil and Sinhala families by the state and the Budddist clergy are clear indicators of intent on genocide.

Further, statistical data obtained from the official website of the Northern Province of the Island of Sri Lanka, shows an alarming rise in the 'number of current users of modern methods of family planning' in Kilinochchi between 2012 and 2013. In 2012, the number of eligible couples in Kilinochchi was 19,129, from which only 862 were using modern methods of family planning. Whereas in 2013, the number of eligible couples was 19,484, and 12,388 were using

[4] http://pop.org/content/genocide-sri-lanka-continues
[5] http://www.tamilguardian.com/article.asp?articleid=12873
[6] http://blog.srilankacampaign.org/search/label/Central%20Hill%20Tamils
[7] http://pop.org/content/genocide-sri-lanka-continues
[8] https://www.opendemocracy.net/5050/chulani-kodikara/state-racism-and-sexism-in-postwar-sri-lanka

modern family planning methods, a staggering 59% within 1 year. 9 10 This points to an aggressive implementation of birth control in the Tamil region by the Sri Lankan state.

During the period in which the government simultaneously promoted population expansion amongst the Sinhala people while imposing involuntary family planning methods within the Tamil community, the current President Maithiripala Sirisena was the Minister of Health. Although the international community has welcomed his victory in the January 2015 election, it is important to recognise that he might have played a lead role in infringing the rights of Tamils in the Island of Sri Lanka. Thus, the Tamils remain unconvinced of his credibility to bring justice to the Tamil people through a domestic mechanism.

According to international standards a spectrum of a person's rights have been breached, including the right to health, the right to information, the right to privacy, the right to decide on the number and spacing of children, the right to found a family and the right to be free from discrimination. The UN Security Council should refer Sri Lanka to International Criminal Court for investigation and prosecutions into war crimes, crimes against humanity and genocide.

PRI President, Steve Mosher, says, *"Forced contraception and sterilization are nothing short of acts of genocide. Sadly, these are regular occurrences in the island nation of Sri Lanka."*

Recommendations:

An international investigation into enforced birth control as a tool of genocide against the Tamil people by the Sri Lankan state must be initiated and immediate measures taken to protect the Tamil people from this heinous crime.

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*British Tamils Forum (BTF), an NGO without consultative status, also shares the views expressed in this statement.

[9] http://www.np.gov.lk/pdf/CSCluster/Statistical%20Information%20-%202014.pdf
[10] http://www.np.gov.lk/pdf/Statistical%20InformationNPC-2013.pdf